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| **THE GOVERNMENT -------** | **THE SOCIALIST REPUBLIC OF VIETNAM  Independence - Freedom - Happiness ---------------** |
| No. 07/2019/ND-CP | *Hanoi, January 23, 2019* |

**DECREE**

AMENDMENTS TO SOME ARTICLES OF THE GOVERNMENT’S DECREE NO. 68/2015/ND-CP DATED AUGUST 18, 2015 ON REGISTRATION OF NATIONALITY OF AND RIGHTS IN AIRCRAFT

*Pursuant to the Law on Government Organization dated June 19, 2015;*

*Pursuant to the Law on Vietnam Civil Aviation dated June 29, 2006, Law on amendments to some Articles of the Law on Vietnam Civil Aviation dated November 21, 2014;*

*At the request of the Minister of Transport;*

*The Government hereby promulgates a Decree on amendments to some Articles of the Government’s Decree No. 68/2015/ND-CP dated August 18, 2015 on registration of nationality of and rights in aircraft.*

**Article 1. Amendments to some Articles of the Government’s Decree No. 68/2015/ND-CP dated August 18, 2015 on registration of nationality of and rights in aircraft**

1. Point a Clause 1, Point c Clause 2 and Clause 3 Article 4 are amended as follows:

a) Point a Clause 1 of Article 4 is amended as follows:

“a) An aircraft that is owned and operated by a Vietnamese organization/individual (if the aircraft is operated by an individual, he/she must permanently reside in Vietnam); an aircraft that is leased under a lease contract or lease-purchase contract or leased without a flight crew for at least 24 months for use in Vietnam must have its Vietnamese nationality registered as prescribed in this Decree.”

b) Point c Clause 2 of Article 4 is amended as follows:

“c) Upon registration of nationality for the first time, the used aircraft shall satisfy requirements on service life of used aircrafts at the time such aircraft is imported into Vietnam as prescribed by law.”

c) Clause 3 of Article 4 is amended as follows:

“3. Conditions for registration of temporary Vietnamese nationality of aircraft

An aircraft is eligible for registration of temporary Vietnamese nationality if it is being produced, assembled or trialed in Vietnam and satisfies the conditions specified in Points b and d Clause 2 of this Article.”

2. Point dd is added to Clause 1 of Article 8 as follows:

“dd) it is irreparably or unrestorably damaged.”

3. Clause 1 of Article 9 is amended as follows:

“1. Regarding cases of deregistration specified in Points a, b and dd Clause 1 and Points a and b Clause 2 Article 8 of this Decree, the Civil Aviation Authority of Vietnam shall decide to deregister nationality of the aircraft and issue the Deregistration certificate of Vietnamese nationality aircraft according to the Form No. 06 in the Appendix hereof; revoke the Certificate of Vietnamese nationality aircraft or Certificate of temporary Vietnamese nationality aircraft unless the certificate is lost or is destroyed with the aircraft.”

4. Point b Clause 3 Article 9, Point b Clause 2 Article 20 and Point b Clause 2 Article 21 are amended as follows:

“b) Copies from the master register or certified true copies or photocopies of the originals or copies enclosed with their originals for verification purpose of documents proving the legal status of the applicant;

If such documents are issued by a competent foreign authority, they shall be consularly legalized as prescribed by law.”

5. Clause 3 of Article 10 is amended as follows:

“3. Any aircraft’s owner/lessor applying for exporting aircraft shall receive a written consent of the applicant for registration of the aircraft, except for the case specified in Clause 4 of this Article.”

6. Clause 2 of Article 12 is amended as follows:

“2. Vietnamese nationality aircrafts must not bear any mark with content or form similar to or likely to cause confusion with aircrafts having another nationality.”

7. Clause 4 of Article 13 is amended as follows:

“4. The applicant for registration of aircraft shall decide to paint or mark heavier-than-air aircrafts without parts satisfying the regulations mentioned in Clause 3 of this Article and other aircrafts other than heavier-than-air aircrafts in accordance with Clauses 1 and 2 of this Article.”

8. Clause 1 of Article 16 is amended as follows:

“1. If the person leasing an aircraft under a lease contract or lease-purchase contract or leasing an aircraft for at least 06 months applies for registration of the right to aircraft possession, he/she shall submit an application to the Civil Aviation Authority of Vietnam, whether directly or by post or another appropriate manner and shall be responsible for the accuracy and truthfulness of information in the application.”

9. Point b Clause 2 Article 5, Point b Clause 2 Article 6, Point b Clause 3 Article 7, Point b Clause 2 Article 15, Point b Clause 2 Article 16, Point b Clause 2 Article 17 and Point b Clause 3 Article 19 are amended as follows:

“b) Copies from the master register or certified true copies or photocopies of the originals or copies enclosed with their originals for verification purpose of documents proving the legal status of the applicant.

If such documents are issued by a competent foreign authority, they shall be consularly legalized as prescribed by law, except for the cases in which consular legalization is exempted according the international treaty to which the Socialist Republic of Vietnam is a signatory or principles of reciprocity.”

10. Clause 3 of Article 20 is amended as follows:

“3. Within 03 (three) working days from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall issue the Deregistration certificate of right to possession of aircraft according to the Form No. 10 in the Appendix hereof or revoke the Certificate of aircraft ownership unless it is lost. In case of rejection of the application, the Civil Aviation Authority of Vietnam shall respond and provide explanation in writing.

If the application is unsatisfactory, within 01 (one) working day from the receipt of the application, the Civil Aviation Authority of Vietnam shall instruct the applicant in writing to complete it as prescribed.”

11. Clause 3 of Article 21 is amended as follows:

“3. Within 03 (three) working days from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall issue the Deregistration certificate of right to aircraft possession according to the Form No. 10 in the Appendix hereof or revoke the Certificate of right to aircraft possession unless it is lost. In case of rejection of the application, the Civil Aviation Authority of Vietnam shall respond and provide explanation in writing.

If the application is unsatisfactory, within 01 (one) working day from the receipt of the application, the Civil Aviation Authority of Vietnam shall instruct the applicant in writing to complete it as prescribed.”

12. Point b Clause 2 of Article 22 is amended as follows:

“b) Copies from the master register or certified true copies or photocopies of the originals or copies enclosed with their originals for verification purpose of documents proving the legal status of the applicant.

If such documents are issued by a competent foreign authority, they shall be consularly legalized as prescribed by law, except for the cases in which consular legalization is exempted according the international treaty to which the Socialist Republic of Vietnam is a signatory or principles of reciprocity.”

13. Point b Clause 2 of Article 23 is amended as follows:

“b) Copies from the master register or certified true copies or photocopies of the originals or copies enclosed with their originals for verification purpose of documents proving the legal status of the applicant.

If such documents are issued by a competent foreign authority, they shall be consularly legalized as prescribed by law, except for the cases in which consular legalization is exempted according the international treaty to which the Socialist Republic of Vietnam is a signatory or principles of reciprocity.”

14. Point b Clause 2 of Article 24 is amended as follows:

“b) Copies from the master register or certified true copies or photocopies of the originals or copies enclosed with their originals for verification purpose of documents proving the legal status of the applicant.

If such documents are issued by a competent foreign authority, they shall be consularly legalized as prescribed by law, except for the cases in which consular legalization is exempted according the international treaty to which the Socialist Republic of Vietnam is a signatory or principles of reciprocity.”

15. Point b Clause 2 of Article 26 is amended as follows:

“b) Copies from the master register or certified true copies or photocopies of the originals or copies enclosed with their originals for verification purpose of documents proving the legal status of the applicant.

If such documents are issued by a competent foreign authority, they shall be consularly legalized as prescribed by law, except for the cases in which consular legalization is exempted according the international treaty to which the Socialist Republic of Vietnam is a signatory or principles of reciprocity.”

16. Article 27 is amended as follows:

**“Article 27. Settlement of complaints; addition or amendment to information about registration of nationality of aircraft, registration of rights in aircraft and registration of IDERA**

1. The Civil Aviation Authority of Vietnam shall settle and give written response to complaints or requests made by organizations and individuals involved in registration of nationality of aircraft, registration of rights in aircraft and registration of IDERA.

2. Any person wishing to add or amend information about registration of nationality of aircraft, rights in aircraft and IDERA shall submit an application to the Civil Aviation Authority of Vietnam, whether directly or by post or another appropriate manner.

3. An application for addition or amendment to information about registration of nationality of aircraft, rights in aircraft and IDERA includes:

a) An application form (Form No. 03 in the Appendix hereof);

b) Copies from the master register or certified true copies or photocopies of the originals or copies enclosed with their originals for verification purpose of documents proving the legal status of the applicant. If such documents are issued by a competent foreign authority, they shall be consularly legalized as prescribed by law;

c) Copies enclosed with their originals for verification purpose or copies certified by the applicant that prepares the originals of documents stating reasons for amendment or addition to information.

4. Within 01 (one) working day from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall add or amend information about registration of nationality of aircraft, rights in aircraft and IDERA, issue a new certificate or promulgate relevant documents.

In case of rejection of the application, the Civil Aviation Authority of Vietnam shall respond and provide explanation in writing.

The new certificate or relevant documents promulgated by the Civil Aviation Authority of Vietnam after the amendment or addition will replace corresponding original certificate/documents.

5. Applicants shall pay fees as prescribed by law.”

17. The phrase “Bản sao có chứng thực (hoặc bản sao kèm theo bản gốc để đối chiếu)” (“Certified true copies (or copies enclosed with their originals for verification purpose)”) mentioned in Points c, d, dd and e Clause 2 Article 5, Points c, d Clause 2 Article 6; Point c Clause 2 Article 15; Points c, d Clause 2 Article 16; Point c Clause 2 Article 22 and Point c Clause 2 Article 23 of the Government’s Decree No. 68/2015/ND-CP dated August 18, 2015 is replaced with “Bản sao kèm bản chính để đối chiếu hoặc bản sao do chính cơ quan, tổ chức hoặc cá nhân đã lập bản chính xác thực” (“Copies enclosed with their originals for verification purpose or copies certified by the applicant that prepares the originals”).

18. The phrase “tổ lái” mentioned in Clause 5 Article 13 of the Government’s Decree No. 68/2015/ND-CP dated August 18, 2015 is replaced with “tổ bay” (no change in meaning).

19. The phrase “Biểu tượng Quốc kỳ Việt Nam” mentioned in Point a Clause 2 Article 13 of the Government’s Decree No. 68/2015/ND-CP dated August 18, 2015 is replaced with “Hình ảnh Quốc kỳ Việt Nam” (no change in meaning).

20. The Form No. 03 enclosed with the Government’s Decree No. 68/2015/ND-CP dated August 18, 2015 is replaced with the Form No. 03 provided in the Appendix hereof.

21. 01 application shall be submitted to follow administrative procedures related to registration of nationality of and rights in aircraft specified in this Decree.

**Article 2. Effect**

1. This Decree comes into force from March 11, 2019 and repeals Clause 3 Article 5, Clause 3 Article 6, Clause 4 Article 9, Point c Clause 1 Article 10, Clause 3 Article 15, Clause 3 Article 16, Clause 3 Article 22, Clause 3 Article 23 and Clause 3 Article 24 of the Government’s Decree No. 68/2015/ND-CP dated August 18, 2015.

2. Applications for registration of nationality of and rights in aircraft that are being processed before the effective date of this Circular shall continue to be processed as prescribed in the Government’s Decree No. 68/2015/ND-CP dated August 18, 2015.

**Article 3. Responsibility for implementation**

1. The Ministry of Transport shall organize the implementation of this Decree.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies and Presidents of People’s Committees of provinces and central-affiliated cities are responsible for the implementation of this Decree./.

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|  | **ON BEHALF OF THE GOVERNMENT THE PRIME MINISTER     Nguyen Xuan Phuc** |